

FILED

MAR 11 2020

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SUEDE JEFFREY SHUTTLE,

Defendant.

CR 19-59-M-DWM

ORDER

On December 17, 2019, United States Magistrate Judge Kathleen DeSoto ordered that Suede Jeffrey Shuttle be committed to the custody of the Attorney General for a mental evaluation pursuant to 18 U.S.C. § 4241. (Doc. 9.) On February 27, 2020, the Court received the forensic report of Mr. Shuttle's mental examination conducted at the Federal Detention Center at Seattle, Washington. (Doc. 14.) Dr. Cynthia Low, the forensic psychologist who conducted the examination, concluded Mr. Shuttle demonstrates an insufficient ability to understand the nature and consequences of the court proceedings against him and a poor ability to assist counsel in his defense. (*Id.*) She ultimately recommends formal competency restoration procedures. (*Id.*)

The Court held a competency hearing in this matter on March 11, 2020. The

United States was represented by Assistant United States Attorney Ryan Weldon. Suede Jeffrey Shuttle was represented by John Rhodes. At that hearing, counsel stipulated to the findings and recommendation in the forensic report. During the Court's colloquy with Mr. Shuttle, he indicated that he did not believe he needed further mental evaluation or medication. A sealed transcript of that colloquy is filed in the docket. Based on counsel's stipulation, the contents of Dr. Low's report, and the Court's colloquy with Mr. Shuttle, a preponderance of evidence supports the conclusion that Mr. Shuttle is presently suffering from a mental disease or defect rendering him mentally incompetent, such that he cannot understand the nature and consequences of the proceedings against him or properly assist in his defense. Accordingly,

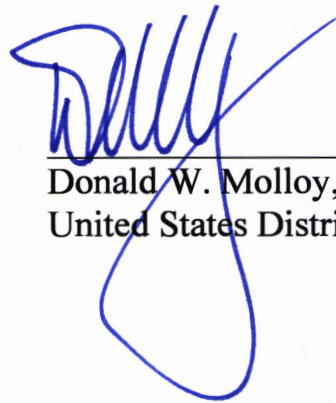
IT IS ORDERED that Suede Jeffrey Shuttle is committed to the custody of the Attorney General for hospitalization and treatment at a suitable facility to determine if there is a substantial probability that in the foreseeable future he will attain the capacity to permit this case to go forward. 18 U.S.C. § 4241(d). Mr. Shuttle is hereby committed for this purpose for a reasonable time period, not to exceed four months. The United States Marshal shall transport Mr. Shuttle to the designated facility within ten (10) days of designation. The Attorney General or his representative at the facility to which Mr. Shuttle is committed shall promptly notify the Court of the determination made regarding the probability that Mr.

Shuttle will regain capacity to proceed in the foreseeable future.

IT IS FURTHER ORDERED that once a facility is designated, the Clerk of Court is directed to provide the facility with a copy of this order and the sealed transcript.

IT IS FURTHER ORDERED that the time pending a restoration determination is excluded from the speedy trial calculation. *See* 18 U.S.C. § 3161(h)(4).

DATED this 11th day of March, 2020.



Donald W. Molloy, District Judge
United States District Court

13:57 P.M.